

1 Rena Andoh (admitted *pro hac vice*)
2 randoh@sheppardmullin.com
3 **SHEPPARD, MULLIN, RICHTER**
4 **& HAMPTON LLP**
5 30 Rockefeller Plaza
New York, NY 10112
Telephone: (212) 653-8700
Facsimile: (212) 653-8701

6 Lai L. Yip (SBN 258029)
7 lyip@sheppardmullin.com
8 Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
Telephone: (415) 434-9100
Facsimile: (415) 434-3947

9 Travis J. Anderson (SBN 265540)
10 tanderson@sheppardmullin.com
11 12275 El Camino Real
Suite 100
San Diego, CA 92130
12 Telephone: (858) 720-8900
13 Facsimile: (858) 509-3691

14 Kazim A. Naqvi (SBN 300438)
15 knaqvi@sheppardmullin.com
16 1901 Avenue of the Stars
Suite 1600
Los Angeles, CA 90067
17 Telephone: (310) 228-3700
18 Facsimile: (310) 228-3701

19 Attorneys for Plaintiff and
Counterdefendant Moog Inc.

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 MOOG INC.,

23 Plaintiff,

24 v.

25 SKYRYSE, INC., ROBERT ALIN
26 PILKINGTON, MISOOK KIM, and
27 DOES NOS.1-50,

28 Defendants.

Case No. 2:22-cv-09094-GW-MAR
Hon. George H. Wu

**DECLARATION OF KAZIM A.
NAQVI IN SUPPORT OF
PLAINTIFF AND
COUNTERDEFENDANT MOOG
INC.'S OPPOSITION TO
DEFENDANT AND COUNTER-
CLAIMANT SKYRYSE, INC.'S
EX PARTE APPLICATION TO
CONTINUE HEARING ON**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**MOOG’S MOTION TO ENFORCE
COMPLIANCE WITH MARCH 11,
2022 STIPULATED TRO AND FOR
MONETARY AND ADVERSE
INFERENCE SANCTIONS**

*[Filed concurrently with Opposition to
Ex Parte Application]*

Judge: Hon. George H. Wu
Ctrm.: 9D

Complaint Filed: March 7, 2022
Counterclaims Filed: January 30, 2023

DECLARATION OF KAZIM A. NAQVI

1
2 1. KAZIM NAQVI, under penalty of perjury and pursuant to 28 U.S.C.
3 § 1746, declares the following to be true and correct:

4 2. My name is Kazim Naqvi. I am an associate at Sheppard, Mullin,
5 Richter & Hampton LLP. I am over the age of 18 years old. I have personal
6 knowledge of the matters set forth herein and if called as a witness, I could and
7 would competently testify as to all facts set forth herein. I am counsel for plaintiff
8 and counterdefendant Moog Inc. (“Moog”) and I provide this declaration in
9 support of Moog’s opposition (the “Opposition”) to Defendant and
10 Counterclaimant Skyryse, Inc.’s (“Skyryse”) *Ex Parte* Application (the
11 “Application”) to Continue Hearing on Moog’s Motion to Enforce Compliance
12 With Stipulated TRO (Dkt. 25) and for Monetary and Adverse Inference Sanctions
13 (the “Motion to Enforce”).

14 3. On February 21, 2023, Moog sent Skyryse a 44-page letter (the
15 “Letter”) (Dkt. 399-1), detailing each of the issues contained in the Motion to
16 Enforce, and identifying by Bates label the vast majority of the documents cited in
17 the Motion to Enforce. The next day, on February 22, 2023, Skyryse’s counsel
18 stated via e-mail that it was “reviewing [the] letter, looking into the issues, and will
19 be working with our client to address them promptly.” A true and correct copy of
20 e-mail correspondence between Moog’s counsel and Skyryse’s counsel between
21 February 21 and 22, 2023 is attached hereto as **Exhibit “A.”**

22 4. On March 16, 2023, Moog filed its Motion to Enforce with the
23 hearing noticed for April 13, 2023. (Dkts. 399, 400). The Motion to Enforce was
24 also accompanied by Declarations from Moog’s experts Bruce Pixley and Kevin
25 Crozier (Dkts. 399-4, 399-5). All of the documents cited or referenced in the
26 declarations: 1) had already been produced in the litigation several months ago; or
27 2) were files from Moog devices produced to neutral vendor iDiscovery Solutions
28 (“iDS”) that Skyryse has had full access to for at least 8 months, but which Moog

1 recently processed and produced to Skyryse for use in filings. The Motion to
2 Enforce sought, among other things, adverse inference sanctions for Skyryse's
3 spoliation, an order allowing Moog to physically inspect Skyryse's systems, as
4 well as monetary sanctions.

5 5. On March 9, 2023, pursuant to L.R. 7-3, I telephonically met and
6 conferred with Skyryse's counsel, Gabriel Gross and Arman Zahoory, regarding
7 Moog's then-forthcoming Motion to Enforce. During the meet and confer, I
8 described in detail all the grounds for the Motion, and I explained all the relief
9 Moog sought in the Motion: adverse inference sanctions for Skyryse's spoliation,
10 an order allowing Moog to physically inspect Skyryse's systems, as well as
11 monetary sanctions.

12 6. Attached as **Exhibit "B"** is a true and correct copy of e-mail
13 correspondence between Moog's counsel and Skyryse's counsel between March 17
14 and 21, 2023, regarding the timing of Skyryse's opposition to Moog's Motion to
15 Enforce. Skyryse's Application attached portions of this same e-mail thread, but
16 omitted a complete thread with several e-mails from March 21, 2023 relevant to
17 the Application.

18 7. I telephonically met and conferred with Skyryse's counsel, Joseph Lee
19 and Arman Zahoory, on March 21, 2023. During that conversation, I stated Moog
20 was open to: 1) different briefing schedules on Moog's opposition to Skyryse's
21 Motion to Stay and Skyryse's opposition to Moog's Motion to Enforce (i.e., Moog
22 receiving a 7-day extension and Skyryse receiving a 21-day extension for
23 opposition); and 2) granting Skyryse more than 21 days for its opposition. I further
24 emphasized that Moog was willing to be flexible about providing a reasonable
25 extension as long as the hearing on the Motion to Stay and Motion to Enforce were
26 concurrent given that they were both filed essentially at the same time and with the
27 same noticed hearing date. These offers were all confirmed in writing via e-mail to
28 Skyryse counsel, as set forth in Exhibit "B."

1 I declare that the foregoing is true and correct under penalty of perjury under
2 the laws of the United States of America.

3 Executed this 22nd day of March, 2023, in Los Angeles, California.

4
5 /s/ Kazim Naqvi

Kazim Naqvi
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

From: Arman.Zahoory@lw.com <Arman.Zahoory@lw.com>
Sent: Wednesday, February 22, 2023 12:58 PM
To: Kazim Naqvi <KNaqvi@sheppardmullin.com>; SKYRYSEMOOG.LWTEAM@lw.com
Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; green.a@wssllp.com; truitt.a@wssllp.com
Subject: RE: Moog/Skyryse - Letter Re: March 11 Order

Kazim,

We write to confirm receipt of Moog's 44-page letter, which you served late last night along with Moog's responsive pleading and trade secret identification, and your long list of demands that you want resolved in the next nine days. You have raised many complex issues that we have never met and conferred about before, and which require further investigation. We are reviewing your letter, looking into the issues, and will be working with our client to address them promptly, but not necessarily by your arbitrary deadline.

Best,
Arman

Arman Zahoory

LATHAM & WATKINS LLP

140 Scott Drive | Menlo Park, CA 94025
D: +1.650.470.4985

From: Kazim Naqvi <KNaqvi@sheppardmullin.com>
Sent: Tuesday, February 21, 2023 8:50 PM
To: #C-M SKYRYSE - MOOG - LW TEAM <SKYRYSEMOOG.LWTEAM@lw.com>
Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; green.a@wssllp.com; truitt.a@wssllp.com
Subject: Moog/Skyryse - Letter Re: March 11 Order

Counsel:

Please see the attached correspondence.

Thank you,
Kazim

Kazim A. Naqvi
+1 424-288-5336 | direct
KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin

1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
+1 310-228-3700 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

EXHIBIT B

From: Kazim Naqvi

Sent: Tuesday, March 21, 2023 11:10 AM

To: 'Joseph.Lee@lw.com' <Joseph.Lee@lw.com>; Arman.Zahoory@lw.com;
SKYRYSEMOOG.LWTEAM@lw.com; Gabe.Gross@lw.com; Kelley.Storey@lw.com;
Alexa.Solimano@lw.com; rachel.fiset@zflaw.com; ben.heller@zflaw.com; scott.tenley@zflaw.com;
grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com;
catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>;
Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <TNishimura@sheppardmullin.com>; Tyler
Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>;
rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyryse - Unredacted Filings

Joseph:

As laid out clearly in my e-mail below, and contrary to your e-mail, Moog is not insisting on a “reciprocal” continuance regarding the briefing on both Motions. Moog is fully prepared to provide Skyryse more time to file its opposition compared to Moog’s opposition. Moog is not, however, prepared to have the Motion to Stay heard before the Motion to Enforce, for the reasons set forth in my e-mail below.

We continue to disagree that *ex parte* relief is proper or necessary, and we will advise the Court of Moog’s proposals and flexibility in opposition thereto.

Thank you,
Kazim

Kazim A. Naqvi

+1 424-288-5336 | direct

KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Joseph.Lee@lw.com <Joseph.Lee@lw.com>

Sent: Tuesday, March 21, 2023 11:03 AM

To: Kazim Naqvi <KNaqvi@sheppardmullin.com>; Arman.Zahoory@lw.com;
SKYRYSEMOOG.LWTEAM@lw.com; Gabe.Gross@lw.com; Kelley.Storey@lw.com;
Alexa.Solimano@lw.com; rachel.fiset@zflaw.com; ben.heller@zflaw.com; scott.tenley@zflaw.com;
grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com;
catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>;
Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler
Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>;
rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyryse - Unredacted Filings

Kazim,

The parties remain at an impasse because Moog refuses to even consider agreeing to an extension of the time for Skyrise to respond to Moog's motion for sanctions unless Skyrise will agree to a "reciprocal" continuance regarding the Defendants' stay motion, which raises unrelated and entirely distinct factual and legal issues. This, despite Moog acknowledging that it does not need any additional time to oppose Defendants' stay motion, and that Skyrise's burden and need for additional time to respond to the sanctions motions are different and greater. There is also no reason to couple the hearing dates for the two motions together, as Moog demands. If anything, it makes more sense for the Court to hear and decide the motion for stay first since that ruling could impact the schedule for the sanctions motion. Unlike Moog, Skyrise has not conditioned its agreement to Moog's request for additional words to respond to Defendants' stay motion on a reciprocal agreement. Skyrise will proceed with its motion, given Moog's unjustified demands on which it conditions any agreement for an extension.

Joseph H. Lee

LATHAM & WATKINS LLP

650 Town Center Drive | 20th Floor | Costa Mesa, CA 92626-1925
D: +1.714.755.8046

From: Kazim Naqvi <KNaqvi@sheppardmullin.com>

Sent: Tuesday, March 21, 2023 10:01 AM

To: Zahoory, Arman (Bay Area) <Arman.Zahoory@lw.com>; #C-M SKYRYSE - MOOG - LW TEAM <SKYRYSEMOOG.LWTEAM@lw.com>; Gross, Gabriel (Bay Area) <Gabe.Gross@lw.com>; Storey, Kelley (DC) <Kelley.Storey@lw.com>; Solimano, Alexa (Bay Area) <Alexa.Solimano@lw.com>; rachel.fiset@zfzlaw.com; ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>; rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyrise - Unredacted Filings

Arman and Joe:

Thank you for meeting and conferring this morning.

This is to confirm that you asked whether Moog would be open to different briefing schedules and extensions for Moog's Opposition to Skyrise's Motion to Stay and Skyrise's Opposition to Moog's Motion to Enforce. For example, Moog receiving a 7 day extension for its opposition and Skyrise receiving a longer extension (such as 21 days) for its opposition. I said we are open to different briefing schedules as long as the hearing dates on the two motions are concurrent.

You also asked whether Moog would be open to giving Skyrise longer than 21 days to oppose the Motion to Enforce. I said we are open to a longer extension depending on the other terms of the agreement, and again as long as the hearing dates on the two motions are concurrent.

Despite these overtures and flexible extensions discussed, you ended the call noting the Parties are at an impasse and you would likely seek relief from the Court. Given that Moog is prepared and flexible to give Skyrise a reasonable extension for its opposition brief (including potentially up to 30 days that Skyrise originally requested), we'd ask you to reconsider your position before burdening the Court with an *ex parte* application. We do not see the basis for an *ex parte* application (and any underlying emergency) given that we are prepared to give Skyrise a lengthy extension in multiple different ways. Instead, it has become evident that any *ex parte* application that Skyrise files will be designed to have its Motion to Stay heard before Moog's Motion to Enforce, not about receiving a reasonable extension to oppose Moog's Motion to Enforce.

Thank you,
Kazim

Kazim A. Naqvi
+1 424-288-5336 | direct
KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
+1 310-228-3700 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Kazim Naqvi

Sent: Monday, March 20, 2023 7:34 PM

To: 'Arman.Zahoory@lw.com' <Arman.Zahoory@lw.com>; SKYRYSEMOOG.LWTEAM@lw.com; Gabe.Gross@lw.com; Kelley.Storey@lw.com; Alexa.Solimano@lw.com; rachel.fiset@zfzlaw.com; ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <TNishimura@sheppardmullin.com>; Tyler Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>; rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyrise - Unredacted Filings

Arman:

I can make myself available at 9:30 AM for a 30 minute window. Please send an invite.

Thank you,
Kazim

Kazim A. Naqvi
+1 424-288-5336 | direct
KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin

1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
+1 310-228-3700 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Arman.Zahoory@lw.com <Arman.Zahoory@lw.com>

Sent: Monday, March 20, 2023 5:49 PM

To: Kazim Naqvi <KNaqvi@sheppardmullin.com>; SKYRYSEMOOG.LWTEAM@lw.com;
Gabe.Gross@lw.com; Kelley.Storey@lw.com; Alexa.Solimano@lw.com; rachel.fiset@zfzlaw.com;
ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com;
alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>;
Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler
Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>;
rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyryse - Unredacted Filings

Kazim,

We can meet before 10:00 AM tomorrow morning. Please let us know your availability and we will send out a Zoom invite.

Best,
Arman

Arman Zahoory

LATHAM & WATKINS LLP

140 Scott Drive | Menlo Park, CA 94025
D: +1.650.470.4985

From: Kazim Naqvi <KNaqvi@sheppardmullin.com>

Sent: Monday, March 20, 2023 4:57 PM

To: Zahoory, Arman (Bay Area) <Arman.Zahoory@lw.com>; #C-M SKYRYSE - MOOG - LW TEAM
<SKYRYSEMOOG.LWTEAM@lw.com>; Gross, Gabriel (Bay Area) <Gabe.Gross@lw.com>; Storey, Kelley
(DC) <Kelley.Storey@lw.com>; Solimano, Alexa (Bay Area) <Alexa.Solimano@lw.com>;
rachel.fiset@zfzlaw.com; ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com;
grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com;
catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>;
Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler
Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>;
rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyryse - Unredacted Filings

Counsel:

We disagree with your e-mail below for the same reasons set forth in my prior e-mail. Skyryse was made aware in detail of the matters and documents addressed in Moog's Motion to Enforce one month ago,

at the latest. Moog also disagrees that there is any basis or need to depose Moog's experts who filed declarations in support of the Motion to Enforce.

The basis to have briefing and hearing on Moog's Motion to Enforce and Moog's opposition to Skyrise's Motion to Stay run in parallel is apparent. Moog is fully prepared to file its opposition on Thursday under the current schedule. But, Skyrise has asked for a 30 day extension to oppose Moog's motion, which was filed one day after Skyrise's Motion. Skyrise's motion also includes a joinder filed by the Individual Defendants with 8 additional pages of argument and legal authority. There is no reason why Skyrise is entitled to a lengthy, 30-day extension but Moog (essentially opposing two motions) should have to file its opposition within one week. Moog is merely requesting reciprocity, and we are trying to work with you on a reciprocal extension to avoid burdening the Court with this issue. Given Skyrise's refusal, it is evident that Skyrise wants to delay adjudication of Moog's Motion to Enforce such that its Motion to Stay is heard first, and therefore the case is potentially stayed before Skyrise's serial and flagrant violations of the Stipulated TRO are adjudicated by the Court and sanctions may be imposed. We are not prepared to accommodate such gamesmanship, especially when both motions were noticed for the same hearing date.

We renew our proposal of a reciprocal, 21-day extension. We also renew our request that, given Skyrise's refusal to accept such an extension, the Parties meet and confer telephonically in good faith (as required by the Court) to see if a mutually agreeable resolution can be reached without burdening the Court with an *ex parte* application. As you know, Judge Wu's standing order cautions that "[e]x parte applications are for extraordinary relief" and "[s]anctions may be imposed for misuse of ex parte applications."

Thank you,
Kazim

Kazim A. Naqvi
+1 424-288-5336 | direct
KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017
+1 310-228-3700 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Arman.Zahoory@lw.com <Arman.Zahoory@lw.com>
Sent: Monday, March 20, 2023 3:18 PM
To: Kazim Naqvi <KNaqvi@sheppardmullin.com>; SKYRYSEMOOG.LWTEAM@lw.com; Gabe.Gross@lw.com; Kelley.Storey@lw.com; Alexa.Solimano@lw.com; rachel.fiset@zfzlaw.com; ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com
Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>; rfluskey@hodgsonruss.com
Subject: RE: Moog/Skyrise - Unredacted Filings

Counsel:

We disagree with your email below. Moog's motion for sanctions includes two lengthy expert declarations, more than four thousand pages of exhibits, and raises new issues over which we did not meet and confer. Skyrise needs an opportunity to investigate all the issues, and likely will need to build in time to depose Moog's experts regarding their declarations and work with Skyrise's own experts to prepare responses. It is not reasonable to expect Skyrise to do all of this in seven days, and we are confident the Court will agree.

As for Skyrise's motion to stay, Skyrise will stipulate to extend Moog's word limit for its opposition to 8,000 words, as you requested. Please prepare a stipulation to that effect for us to review.

We do not see any basis, however, to link the briefing and hearing of these two motions together, and in fact you had not even raised changing the schedule for the proceedings on the stay motion until we requested a necessary extension of time to oppose Moog's sanctions motion.

Please let us know by close of business if we have a stipulation to extend Skyrise's response by 30 days. Otherwise, Skyrise will be left with no choice but to seek *ex parte* relief.

Best,
Arman

From: Kazim Naqvi <KNaqvi@sheppardmullin.com>

Sent: Monday, March 20, 2023 10:12 AM

To: Zahoory, Arman (Bay Area) <Arman.Zahoory@lw.com>; #C-M SKYRYSE - MOOG - LW TEAM <SKYRYSEMOOG.LWTEAM@lw.com>; Gross, Gabriel (Bay Area) <Gabe.Gross@lw.com>; Storey, Kelley (DC) <Kelley.Storey@lw.com>; Solimano, Alexa (Bay Area) <Alexa.Solimano@lw.com>; rachel.fiset@zfzlaw.com; ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com; alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>; rfluskey@hodgsonruss.com

Subject: RE: Moog/Skyrise - Unredacted Filings

Counsel:

We disagree that Moog's filings raise any issues that the Parties did not meet and confer about. Indeed, during our meet and confer on March 9, I expressly walked through in detail the grounds of the motion and described all the relief that Moog seeks in its motion. Moog first raised these issues with Skyrise via a detailed 26-page letter on February 21, 2023. Skyrise cannot rely on an open ended and indefinite "investigation" as a basis to delay adjudication of its ongoing violations of the Stipulated TRO. Moog has raised Skyrise's violations of the TRO repeatedly over the past year, and it requires relief now. On the other hand, while the Parties briefly discussed Skyrise's contemplated Motion to Stay, there was no formal meet and confer pursuant to L.R. 7-3, and Skyrise provided far less detail about its contemplated

Motion to Stay compared to Moog's Motion to Enforce. For example, Skyrise never previously advised us that it seeks a 6 month stay of the case.

Regardless, we are prepared to provide a reasonable extension for Skyrise's opposition, on the condition that the hearing and briefing on Moog's Motion to Enforce run simultaneously with the hearing on Skyrise's Motion to Stay. We are not prepared to have Skyrise's Motion to Stay heard before Moog's Motion to Enforce is heard. Both motions were essentially filed at the same time and both have been properly noticed for hearing on April 13, when all counsel have stated they are available. Further, given the Individual Defendants' 8-page joinder to the Motion To Stay filed yesterday (Dkt. 393), Moog must now essentially oppose two motions during the same timeframe that Skyrise is required to oppose one motion. Both motions are also within the 7,000 word page limit. Moog is required to oppose more motion material than Skyrise is required to, within the same schedule. Skyrise's alleged burden based on "more than four thousand pages of exhibits" lacks merit because Skyrise has had possession of or access to all these documents for several months, and the vast majority of the exhibits at issue were expressly referenced by Bates number in Moog's February 21 letter. These are not new issues.

Per L.R. 7-9, Skyrise's opposition to Moog's Motion to Enforce and Moog's opposition to Skyrise's Motion to Stay are both currently due March 23 (not March 30 as you suggest). We are prepared to provide a 21-day extension (until April 13) for Skyrise to file its opposition, on condition that Moog's opposition to Skyrise's Motion to Stay also be due on April 13. This would give Skyrise 28 days to oppose Moog's Motion to Enforce, which is more than reasonable. The hearing on both motions would then be May 4, subject to the Court's availability. To the extent Skyrise is not prepared to accept this proposal, or has a different reciprocal proposal, we are prepared to further discuss and request a telephonic meet and confer so the Parties can work in good faith and hopefully avoid burdening the Court with routine scheduling issues.

Moog also requests that, for the reasons articulated above, Defendants stipulate that Moog may have an additional 1,000 words to simultaneously oppose Skyrise Motion to Stay and the Individual Defendants' joinder thereto (for a total of 8,000 words in opposition). Please confirm.

Thank you,
Kazim

Kazim A. Naqvi

+1 424-288-5336 | direct

KNaqvi@sheppardmullin.com | [Bio](#)

SheppardMullin

1901 Avenue of the Stars, Suite 1600

Los Angeles, CA 90067-6017

+1 310-228-3700 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Arman.Zahoory@lw.com <Arman.Zahoory@lw.com>

Sent: Friday, March 17, 2023 5:23 PM

To: Kazim Naqvi <KNaqvi@sheppardmullin.com>; SKYRYSEMOOG.LWTEAM@lw.com;

Gabe.Gross@lw.com; Kelley.Storey@lw.com; Alexa.Solimano@lw.com; rachel.fiset@zfzlaw.com;

ben.heller@zfzlaw.com; scott.tenley@zfzlaw.com; grant.gelberg@halpernmay.com;

alyssa.titche@halpernmay.com; catherine.thompson@halpernmay.com

Cc: Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>;

Lai Yip <LYip@sheppardmullin.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Tyler

Baker <TBaker@sheppardmullin.com>; Michael Heins <MHeins@sheppardmullin.com>;

rfluskey@hodgsonruss.com; Aloma Harris <AlHarris@sheppardmullin.com>

Subject: RE: Moog/Skyryse - Unredacted Filings

Counsel:

We write regarding Moog's motion to enforce, which includes lengthy expert declarations and more than four thousand pages of exhibits compiled into unusable documents that Moog failed to file in compliance with L.R. 5-4.6.1. Moog's filings raise numerous issues without prior notice and cover subjects over which the parties have not yet met and conferred, and Skyryse has not had the opportunity to investigate. Skyryse cannot reasonably be expected to complete its investigation and prepare its response in just two weeks as the current schedule would require.

Please confirm by Monday morning that Moog will agree to a 30 day extension, until April 30, 2023, for Skyryse to file its response. To the extent Moog is unwilling to agree to this reasonable extension, Skyryse will raise the issue with the Court *ex parte*.

Best,
Arman

Arman Zahoory

LATHAM & WATKINS LLP

140 Scott Drive | Menlo Park, CA 94025

D: +1.650.470.4985